

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR
REGENERATIVE MEDICINE,

Plaintiff,

v.

C.A. NO. 1:17-cv-12239 ADB

IMSTEM BIOTECHNOLOGY, INC.,
XIAOFANG WANG, and REN-HE XU,

Defendants.

[PROPOSED] JUDGMENT

On this _____ day of _____, 2021,

IT IS ORDERED THAT:

1. Judgment is hereby entered in favor of Plaintiff and against Defendants as to the claim for (Count 1) Correction of Inventorship of United States Patent No. 9,745,551 (“the ’551 patent”), pursuant to 35 U.S.C. § 256.¹
 - a. The Director of the United States Patent and Trademark Office is hereby ordered to add Robert Lanza and Erin Kimbrel as inventors on the ’551 patent and the ’122 patent and to remove Xiaofang Wang and Ren-He Xu as inventors, and Defendants are ordered to cooperate with Plaintiff to effectuate the change in inventorship of the ’551 and ’122 patents, including executing or filing any necessary Petitions to Correct Inventorship or assignments.
2. Judgment is hereby entered in favor of Plaintiff and against Defendants as to the claim for (Counterclaim 1) Correction of Inventorship of U.S. Patent No. 8,961,956 to add Dr. Wang as

¹ The parties stipulated that any judgment on the ’551 patent would be binding on U.S. Patent No. 10,557,122 (the “’122 patent”). [ECF No. 95; ECF No. 218 at 3 n.2; ECF No. 220 at 16; ECF No. 218-1 ¶¶ 37-38; *see also* ECF No. 255 at 38 n.17].

Inventor, and (Counterclaim 2) Correction of Inventorship for U.S. Patent No. 8,962,321 to add Drs. Xu and Wang as Inventors. There will be no change to the listed inventors of U.S. Patent Nos. 8,961,956 and 8,962,321.

3. Judgment is hereby entered in favor of Defendants and against Plaintiff as to the claim for (Count 5) Unfair Trade Practices Under Massachusetts General Law Chapter 93A.

4. Plaintiff's (Count 3) Conversion, (Count 4) Unjust Enrichment, (Count 6) Misappropriation of Trade Secrets, (Count 7) Negligent Misrepresentation, and (Count 8) Breach of Contract are dismissed with prejudice.

5. Defendants' (Counterclaim 3) Unjust Enrichment is dismissed with prejudice.

SO ORDERED

Dated: _____

ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE